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10/625,680

07/24/2003

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EXAMINER

LE, DIEU-MINH T

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/625,680

Applicant(s)

LEE, CHANG-HO

Examiner

Dieu-Minh Le

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/24/03</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2114

**DETAILED ACTION**

1. This Office Action is response to the communication filed on 07/24/03 in application 10/625,680.

2. Claims 1-22 are presented for examination.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Priors (figures 3-4) in

Art Unit: 2114

view of Gold et al. (U.S. Patent 6,785,786 hereafter referred to as Gold).

As per claim 1 and 4:

Applicant's submitted priors substantially teaches the invention. Applicant's submitted priors teaches:

- A method of backing up and recovering data in a data processing system [fig. 3-4, par. 0005-0006];
- comprising:
- selecting files to be backed up, and determining where to save the selected files [fig. 3-4, par. 0005-0006];
  - loading a project file to manage backup information on the selected files [fig. 3-4, par. 0005-0006];
  - updating a backup file database including information on storage addresses where the selected files are saved [fig. 3-4, par. 0005-0006];
  - completing data backup by saving an updated backup file database in the project file [fig. 3-4, par. 0005-0006].

Applicant's submitted priors do not explicitly teach:

- building a baseline in the project file; backing up the selected files with the baseline and updating a backup file

Art Unit: 2114

database including information on storage addresses where the selected files are saved.

However, Applicant's submitted priors do disclose capability of:

- A backup and recovering data processing system [fig. 3-4, par. 0005-0006] comprising:
- ***creating project file and backup the selected files*** [fig. 3, par. 0005-0006].

In addition, Gold does explicitly disclose:

- A data backup and recovery systems [abstract, fig. 1-3, col. 1, lines 5-7] comprising capability of:
- **backing up data or files into a new baseline area in supporting the data backup and recovery process as well as updating data file via its byte size and arrangement and address updating** [fig. 1-3, col. 5, lines 27-53; col. 7, lines 17-64 and col. 11, lines 40 through col. 12, line 55].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that by applying the Gold's **backing up data or files**

Art Unit: 2114

into a new baseline area in supporting the data backup and recovery process as well as updating data file via its byte size and arrangement and address updating capabilities in conjunction with the backup and recovering data processing system having **creating project file and backup the selected files** as taught by Applicant's submitted priors, the computer/data backup and recovery processing system can enhance its operation performance, more specifically to ensuring the error thoroughly detected and corrected via data backup and recovery process.

One of ordinary skill in the art would have been motivated to do so to provide the computer data backup and recovery processing system with mechanism to improve data fault tolerant operation and to enhance its data transmission among computing device in improving its data availability and controllability. That is by utilizing this approach any error or failure occurred in the data processing system can be identified, detected, corrected and traced via data updating, data backup, data comparison, configuration, and reconfiguration (i.e., baseline) capabilities.

As per claims 2-3:

Applicant's submitted further teaches the invention.

Art Unit: 2114

- information on time (i.e., **starting data backup and recovery process must have timestamped**) of when the data backup is performed and information on the selected files to be backed up [fig. 3-4, par. 0005-0006];
- new created file in the data processing system after the data backup is performed (loading a project file to manage backup information on the selected files) [fig. 3-4, par. 0005-0006].

Applicant's submitted priors do not explicitly teach:

- updating the backup file database includes logically linking the storage addresses of unchanged files of the selected files.

However, Applicant's submitted priors do disclose capability of:

- A backup and recovering data processing system [fig. 3-4, par. 0005-0006] comprising:
  - **creating and linking (i.e., connected) project file and backup the selected files** and linking [fig. 3, par. 0005-0006].

In addition, Gold does explicitly disclose:

Art Unit: 2114

- A data backup and recovery systems [abstract, fig. 1-3, col. 1, lines 5-7] comprising capability of:
  - data backup and updating via logically pointing (i.e., pointers) with respect to changed and unchanged files [fig. 1-3, col. 7, lines 17 through col. 8, lines 41].
  - files stamped with time/date [col. 6, lines 15-26].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that by applying the Gold's data backup and updating via logically pointing (i.e., pointers) with respect to changed and unchanged files capability in conjunction with the backup and recovering data processing system having **creating project file and backup the selected files** as taught by Applicant's submitted priors, the computer/data backup and recovery processing system can enhance its operation performance, more specifically to ensuring the error thoroughly detected and corrected via data backup and recovery process for the same reasons set forth as described in claim 1, **supra**.

As per claims 5-7:

Applicant's submitted priors further teaches:

- loading the project file [fig. 3-4, par. 0005-0006];



Art Unit: 2114

- recovering the selected files recorded in the backup file database [fig. 3-4, par. 0005-0006];

Applicant's submitted priors do not explicitly teach:

- selecting the baseline related to the selected files to be recovered among baselines of the project file.

However, Applicant's submitted priors do disclose capability of:

- A backup and recovering data processing system [fig. 3-4, par. 0005-0006] comprising:
  - *creating project file and backup the selected files* [fig. 3, par. 0005-0006].

In addition, Gold does explicitly disclose:

- A data backup and recovery systems [abstract, fig. 1-3, col. 1, lines 5-7] comprising capability of:
  - *backing up data or files into a new baseline area in supporting the data backup and recovery process as well as files recovering from baseline files* [fig. 1-3, col. 5, lines 27-53; col. 7, lines 17-64 and col. 11, lines 40 through col. 12, line 55; col. 17, lines 50 through col. 18, lines 25].

Art Unit: 2114

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that by applying the Gold's backing up data or files into a new baseline area in supporting the data backup and recovery process as well as files recovering from baseline files capabilities in conjunction with the backup and recovering data processing system having creating project file and backup the selected files as taught by Applicant's submitted priors, the computer/data backup and recovery processing system can enhance its operation performance, more specifically to ensuring the error thoroughly detected and corrected via data backup and recovery process.

One of ordinary skill in the art would have been motivated to do so to provide the computer data backup and recovery processing system with mechanism to improve data fault tolerant operation and to enhance its data transmission among computing device in improving its data availability and controllability.

As per claim 15:

Applicant's submitted priors substantially teaches the invention. Applicant's submitted priors teaches:

- A method of backing up data [fig. 3-4, par. 0005-0006];  
comprising:

Art Unit: 2114

- selecting files to be backed up, and determining where to save the selected files [fig. 3-4, par. 0005-0006];
- loading a project file to manage backup information on the selected files [fig. 3-4, par. 0005-0006];
- updating a backup file database including information on storage addresses where the selected files are saved [fig. 3-4, par. 0005-0006];
- completing data backup by saving an updated backup file database in the project file [fig. 3-4, par. 0005-0006].

Applicant's submitted priors do not explicitly teach:

- and logically linking the first backup file database to a second backup file database that is associated with a second baseline, wherein the second backup file database comprises storage addresses of a second plurality of files that have been previously backed up and an index of the second plurality of files that have been previously backed up, and wherein the first baseline is different from the second baseline.

However, Applicant's submitted priors do disclose capability of:

Art Unit: 2114

- A backup and recovering data processing system [fig. 3-4, par. 0005-0006] comprising:
  - *creating and linking (i.e., connected) project file and backup the selected files* and linking [fig. 3, par. 0005-0006].

In addition, Gold does explicitly disclose:

- A data backup and recovery systems [abstract, fig. 1-3, col. 1, lines 5-7] comprising capability of:
  - *data backup and updating via logically pointing (i.e., pointers) with respect to changed and unchanged files from the primary and secondary backups* [fig. 1-3, col. 7, lines 17 through col. 8, lines 41].
  - files stamped with time/date [col. 6, lines 15-26].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that by applying the Gold's *data backup and updating via logically pointing (i.e., pointers) with respect to changed and unchanged files from the primary and secondary backups* capabilities in conjunction with the backup and recovering data processing system having *creating project file and backup the selected files* as taught by Applicant's submitted priors, the

Art Unit: 2114

computer/data backup and recovery processing system can enhance its operation performance, more specifically to ensuring the error thoroughly detected and corrected via data backup and recovery process.

One of ordinary skill in the art would have been motivated to do so to provide the computer data backup and recovery processing system with mechanism to improve data fault tolerant operation and to enhance its data transmission among computing device in improving its data availability and controllability. That is by utilizing this approach any error or failure occurred in the data processing system can be identified, detected, corrected and traced via data updating, data backup, data comparison, configuration, and reconfiguration (i.e., baseline) capabilities.

As per claim 16:

Applicant's submitted further teaches the invention.

- the information on when a backup of the first plurality of files will occur comprises at least one of a time and a date (i.e., **starting data backup and recovery process must have timestamped**) [fig. 3-4, par. 0005-0006].

In addition, Gold does explicitly disclose:

Art Unit: 2114

- A data backup and recovery systems [abstract, fig. 1-3, col. 1, lines 5-7] comprising capability of:
- files stamped with time/date [col. 6, lines 15-26].

As per claim 19:

Applicant's submitted priors substantially teaches the invention. Applicant's submitted priors teaches:

- A method of recovering backed-up data [fig. 3-4, par. 0005-0006] comprising:
  - a first plurality of files were backed-up [fig. 3-4, par. 0005-0006];
  - determining storage addresses of files [fig. 3-4, par. 0005-0006];
  - updating a backup file database including information on storage addresses where the selected files are saved [fig. 3-4, par. 0005-0006];
  - completing data backup by saving an updated backup file database in the project file [fig. 3-4, par. 0005-0006].

Applicant's submitted priors do not explicitly teach:

- the second backup file database is logically linked to the first backup file database; and recovering the first plurality of files and the second plurality of files.

Art Unit: 2114

However, Applicant's submitted priors do disclose capability of:

- A backup and recovering data processing system [fig. 3-4, par. 0005-0006] comprising:
  - *creating and linking (i.e., connected) project file and backup the selected files* and linking [fig. 3, par. 0005-0006].

In addition, Gold does explicitly disclose:

- A data backup and recovery systems [abstract, fig. 1-3, col. 1, lines 5-7] comprising capability of:
  - *data backup and updating via logically pointing (i.e., pointers) with respect to changed and unchanged files from the primary and secondary backups* [fig. 1-3, col. 7, lines 17 through col. 8, lines 41].
  - files stamped with time/date [col. 6, lines 15-26].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that by applying the Gold's *data backup and updating via logically pointing (i.e., pointers) with respect to changed and unchanged files from the primary and secondary backups* capabilities in conjunction with the backup and recovering data

Art Unit: 2114

processing system having **creating project file and backup the selected files** as taught by Applicant's submitted priors, the computer/data backup and recovery processing system can enhance its operation performance, more specifically to ensuring the error thoroughly detected and corrected via data backup and recovery process.

One of ordinary skill in the art would have been motivated to do so to provide the computer data backup and recovery processing system with mechanism to improve data fault tolerant operation and to enhance its data transmission among computing device in improving its data availability and controllability. That is by utilizing this approach any error or failure occurred in the data processing system can be identified, detected, corrected and traced via data updating, data backup, data comparison, configuration, and reconfiguration (i.e., baseline) capabilities.

As per claim 20:

Applicant's submitted further teaches the invention.

- the information on when the first plurality of files were backed-up comprises at least one of a time and a date (i.e., **starting data backup and recovery process must have timestamped**) [fig. 3-4, par. 0005-0006].



Art Unit: 2114

In addition, Gold does explicitly disclose:

- A data backup and recovery systems [abstract, fig. 1-3, col. 1, lines 5-7] comprising capability of:
- files stamped with time/date [col. 6, lines 15-26].

As per claims 8-14:

These claims are the same as per claims 1-7. The only minor different is that these claims are directed to a **machine-readable medium for backing up and recovery data in a data processing system** instead of the a **method for backing up and recovery data in a data processing system** comprising selecting files, loading file, backup files, etc... as described in claims 1-7. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to realized that a **machine-readable medium for backing up and recovery data in a data processing system** is a necessary item for such computing networking system, more specifically, data processing system. Since the data processing system obviously needs a means for file, instruction or code means resided within the machine-readable storage medium for performing the data backup, storing, executing, receiving, transmitting operation via the baseline project files capability. Therefore, these claims are also rejected under the same rationale applied against claims 1-7.

Art Unit: 2114

As per claims 17-18:

These claims are the same as per claims 15-16. The only minor different is that these claims are directed to a **machine-readable medium for backing up data in a data processing system** instead of the a **method for backing up data in a data processing system** comprising building a first baseline files, recording a first backup file, linking the first backup file database to a second backup file database, etc... as described in claims 15-16. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to realized that a **machine-readable medium for backing up data in a data processing system** is a necessary item for such computing networking system, more specifically, data processing system. Since the data processing system obviously needs a means for file, instruction or code means resided within the machine-readable storage medium for performing the data backup, storing, executing, receiving, transmitting operation via the baseline project files capability. Therefore, these claims are also rejected under the same rationale applied against claims 15-16.

As per claims 21-22:

These claims are the same as per claims 19-20. The only minor different is that these claims are directed to a **machine-**

Art Unit: 2114

readable medium for recovering backup data in a data processing system instead of the a method for recovering backup data in a data processing system comprising building a first baseline files, recording a first backup file, linking the first backup file database to a second backup file database, etc... as described in claims 19-20. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to realized that a machine-readable medium for recovering backup data in a data processing system is a necessary item for such computing networking system, more specifically, data processing system. Since the data processing system obviously needs a means for file, instruction or code means resided within the machine-readable storage medium for performing the data backup, storing, executing, receiving, transmitting operation via the baseline project files capability. Therefore, these claims are also rejected under the same rationale applied against claims 19-20.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this


Art Unit: 2114

letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (571) 272-3660. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644. The Tech Center 2100 phone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**DIEU-MINH THAI LE**  
**PRIMARY EXAMINER**  
**ART UNIT 2114**

DML

05/29/06